

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

Reginald Tweed #16139	)	
Jonathan Moses #16865	)	
	)	
Plaintiffs,	)	<b>AMENDED SCHEDULING AND</b>
	)	<b>DISCOVERY ORDER</b>
vs.	)	
	)	
Timothy Schuetzle, et. al.,	)	Case No. 1:06-cv-032
	)	
Defendants.	)	

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**Final Pretrial Conference and Trial**

The trial in the above case shall be scheduled for five days beginning Monday, February 11, 2008, beginning at 9:30 A.M., in Bismarck, North Dakota before Chief Judge Hovland. The case will initially be scheduled as a court trial since it does not appear that any party has demanded a jury trial in accordance with the provisions of Federal Rule of Civil Procedure 38(b). Please note below the deadline for filing briefs to resolve the issue of whether the trial will be to the court or to a jury. A final pretrial conference will be conducted by Magistrate Judge Charles Miller on January 29, 2008, at 10:00 A.M. at a location to be determined.

**Pretrial Deadlines**

The following are the pretrial deadlines:

1. If any party believes it is entitled to a jury trial, the party shall have until July 15, 2007, to file a brief demonstrating why the party is entitled to jury trial. Failure to file a brief constitutes a waiver of the issue.
2. The parties shall have until October 1, 2007, to complete fact discovery and to file discovery motions. Discovery may commence immediately. Rule 26 disclosures shall

be dispensed with given the amount of information already in the possession of the parties.

3. The parties shall provide the names of expert witnesses and complete reports under Rule 26(a)(2) as follows: Plaintiffs on or before September 15, 2007, and Defendants on or before October 15, 2007.
4. The parties shall have until November 15, 2007, to complete discovery depositions of expert witnesses.
5. The parties shall have until August 1, 2007, to move to join additional parties.
6. The parties shall have until August 1, 2007, to move to amend pleadings to add claims or defenses, except for claims for punitive damages for which the deadline shall be November 1, 2007.
7. The parties shall have until August 1, 2007, to file other nondispositive motions (e.g., consolidation, bifurcation).
8. The parties shall have until November 1, 2007, to file dispositive motions (summary judgment as to all or part of the case) and motions asserting qualified or other immunity.
9. Each party shall serve no more than 25 interrogatories, including subparts. No broad contention interrogatories (i.e., "List all facts supporting your claim that . . .") shall be used.
10. Each side shall take no more than 10 discovery depositions.
11. Depositions taken for presentation at trial shall be completed 30 days before trial.

**IT IS SO ORDERED.**

Dated this 5<sup>th</sup> day of June, 2006.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr.

United States Magistrate Judge